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9	Attorneys for Defendant PATREON, INC.	
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12		ES DISTRICT COURT IRICT OF CALIFORNIA
13		ICISCO DIVISION
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15 16 17	BRAYDEN STARK, JUDD OOSTYEN, ISAAC BELENKIY, VALERIE BURTON, LAURA GOODFIELD, and DENOVIAS MACK, individually and on behalf of all others similarly situated,  Plaintiffs, v.	Case No. 3:22-CV-03131-JCS  SUPPLEMENTAL DECLARATION OF JASON BYTTOW IN SUPPORT OF DEFENDANT PATREON, INC.'S MOTION FOR SUMMARY JUDGMENT ON PLAINTIFFS' VPPA CLAIMS ON THE GROUND THAT THE VPPA VIOLATES THE FIRST AMENDMENT
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20	Defendant.	REDACTED
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- 1	CURRED ENGENTAL DECLARATION OF LACON PARTON IN CUE	DOODT OF DEFENDANT DATEON INC 'S MOTION FOR SUMMARY

JUDGMENT ON PLAINTIFFS' VPPA CLAIMS ON THE GROUND THAT THE VPPA VIOLATES THE FIRST AMENDMENT

CASE NO. 3:22-CV-03131-JCS

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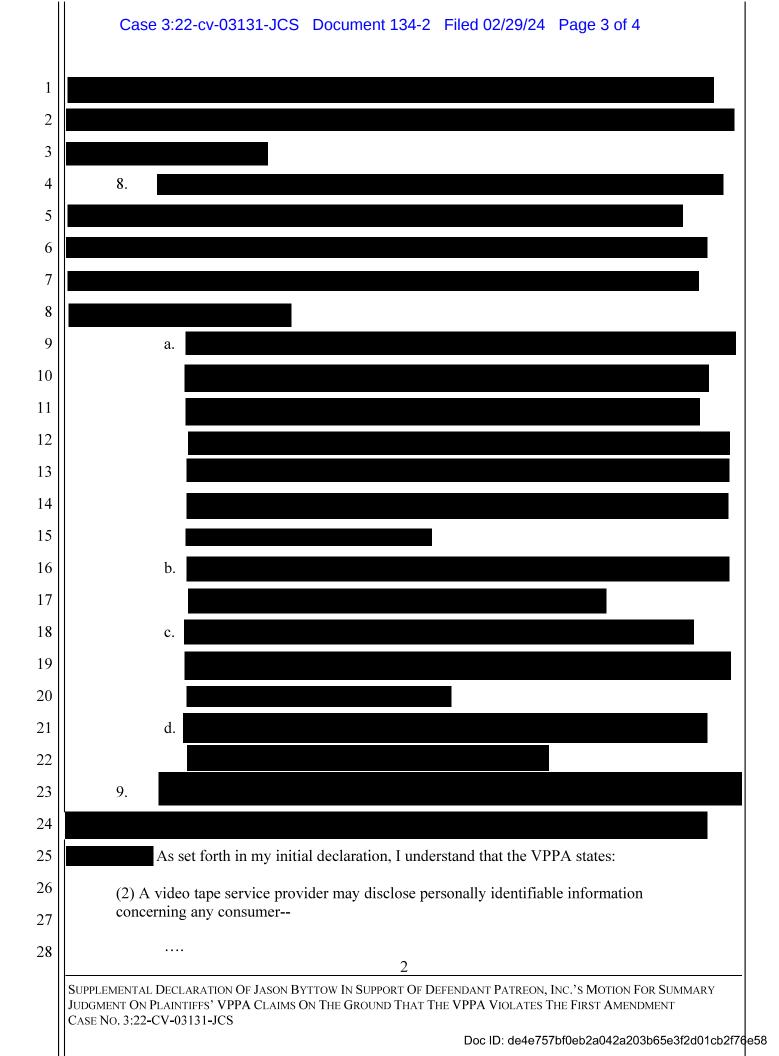
I, Jason Byttow, declare as follows:

- 1. I submit this supplemental declaration in support of Patreon, Inc.'s Motion for Summary Judgment. Except as otherwise indicated, I make this declaration based on personal knowledge. If called upon as a witness to testify to the truth of these statements, I could do so competently under oath.
- 2. I have been employed by Patreon, Inc. ("Patreon") since February 2016. I have held four titles at Patreon: Software Engineer (February 2016 October 2017); Engineering Manager (October 2017 January 2019); Senior Engineering Manager (January 2019 approximately January 2022); and Staff Engineer (approximately January 2022 present).
- 3. In my prior declaration in support of summary judgment (Dkt. 78), I explained that implementing a consent mechanism for the Patreon website (or for any video-distribution website) that would meet the VPPA-consent requirements would (1) require substantial engineering work I would estimate a year of dedicated engineering work, and (2) degrade the user's experience on the website to such an extent that it would create business concerns in terms of users leaving the platform.
- 4. I understand that in response to my initial declaration, Plaintiffs in this case have requested leave of Court to submit certain supplementary materials namely, three documents and excerpts of deposition testimony about a third-party software that Patreon has used called "Ketch" (formerly known as "Switchbit").

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6. Ketch is data-privacy software supplied by a third-party company that goes by the same name, Ketch.

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	(B) to any person with the informed, written consent (including through an electronic means using the Internet) of the consumer that
	(i) is in a form distinct and separate from any form setting forth other
	legal or financial obligations of the consumer;
	(ii) at the election of the consumer
	(I) is given at the time the disclosure is sought; or
	(II) is given in advance for a set period of time, not to exceed 2 years
	or until consent is withdrawn by the consumer, whichever is sooner; and
	(iii) the video tape service provider has provided an opportunity, in a
	clear and conspicuous manner, for the consumer to withdraw on a case-
	by-case basis or to withdraw from ongoing disclosures, at the consumer's election;
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	I declare under penalty of perjury under the laws of the United States that the foregoing is tru
	I declare under penalty of perjury under the laws of the United States that the foregoing is tru and correct, and that this declaration was executed on February 28, 2024, in Brooklyn, New York.
	and correct, and that this declaration was executed on February 28, 2024, in Brooklyn, New York.
	and correct, and that this declaration was executed on February 28, 2024, in Brooklyn, New York.

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